

**EARTHJUSTICE  
350.ORG  
HUMAN RIGHTS ADVOCATES  
GREENPEACE INTERNATIONAL**

1 November 2010

Office of the High Commissioner for Human Rights  
Palais Wilson, 52 rue des Pâquis, CH-1201 Geneva, Switzerland

**Re: Universal Periodic Review of the Republic of Palau, 2011  
Submission of Earthjustice, Human Rights Advocates, 350.org and Greenpeace  
International**

**I. SUMMARY**

1. Recalling the UN General Assembly Resolution 60/251, adopted on 15 March 2006, the UN Human Rights Council Resolution 5/1, adopted on 18 June 2007, and the Decision 6/102, adopted on 27 September 2007, and in accordance with the Information Note for NGOs regarding the Universal Periodic Review mechanism (8 October 2007), Earthjustice et al. respectfully submits to the Human Rights Council the following information regarding threats to human rights in the Republic of Palau (hereafter Palau) as a result of anthropogenic climate change for its universal review.

2. Via this submission, Earthjustice et al. seek to contribute to the protection of human rights in Palau, where acute environmental problems related to the extreme vulnerability of this island nation to climate change threaten the realization of a standard of living adequate for the health and well-being of all persons. The changes in the physical environment causing these threats have been increasing in frequency and severity over the past several decades and are predicted to increase significantly by the end of the century. This will undermine many human rights recognized under international law.

3. In January 2009, the UN Office of the High Commissioner for Human Rights published a report on climate change and human rights concluding that 1) climate change threatens the enjoyment of a broad array of human rights; 2) human rights obligations provide important protections to individuals who are affected by climate change; and 3) states have legal obligations to those whose rights are affected by climate change, and that those obligations extend extraterritorially. We seek to inform the Human Rights Council of the acute impacts that climate change is having and will have on the human rights of all citizens of Palau. We urge the Human Rights Council to adopt an outcome recognizing that Palau cannot be considered as bearing the main responsibility for human rights threats suffered by citizens of Palau due to climate change. Significantly increased international cooperation will be fundamental to help protect the human rights of the citizens of Palau. The responsibility for adaptation to and mitigation of climate change in Palau should be shared by major greenhouse gas emitting states, relative to their share of historic and current emissions.

4. In its Fourth Assessment Report, the Intergovernmental Panel on Climate Change predicts that anthropogenic climate change will have significant adverse effects not only on the natural environment, but also on the human populations that inhabit that environment and rely on its processes and services. In Palau, climate change will:

- Threaten rights to **food, health, means of subsistence**, and the **ability to maintain an adequate standard of living** by causing salinification of limited freshwater sources, worsened tropical storms and typhoons, sea level rise resulting in flooding and overwash during tide surges, and erosion of coastlines and low-lying areas;
- Jeopardize rights to **food, health**, and **subsistence livelihoods** by damaging fisheries through sea level rise, increased sea temperature, and exacerbated tropical storms and typhoons; and
- Endanger rights to **life, property, housing, self-determination, security of person, access to water, sanitation**, and a **healthy environment** due to increased tropical storms and typhoons, droughts, flooding, and spread of disease vectors with warmer air and water temperatures.

5. Increasing changes in the physical environment causing these threats will result in the direct threat to many of the human rights guaranteed by Palau under international law, including: the right to **life**, the right to **security of person**, the right to **water**; the right to **food**, the right to **means of subsistence**, the right to **sanitation**; the right to **health**, the right to **property**, the right to **housing**, the right to **self-determination**, the right to an **adequate standard of living**, and the right to a **healthy environment**.

## **II. BACKGROUND**

6. Palau is a cluster of over 500 volcanic, limestone and coral islands in the western Pacific Ocean, just north of the Equator. It consists of 535 km<sup>2</sup> of land area with 12 inhabited islands. It has the most diverse coral of Micronesia, with a high density of tropical marine habitats including mangroves, seagrass beds, deep algal beds, mud basins, lagoons, and tidal channels. The economy relies on tourism, fishing, and subsistence agriculture. The main island of Babeldaob, comprising 75 percent of Palau's land area, is unsuited for large-scale agriculture due to severely leached and acidic soils. With a population of 21,000, Palau's per capita GDP was \$8,100 per year in 2008. Palau is experiencing disruptive changes due to climate change, including extensive coastal erosion, coral bleaching, persistent alteration of regional weather patterns, decreased productivity in fisheries and agriculture, saltwater intrusion into taro and yam cultivation areas during extreme high tides, severe water shortages and more widespread and frequent occurrence of mosquito-borne diseases.

7. Palau is party to the Convention on the Rights of the Child. Human rights referred to in this document that are not based on that convention find their source in the 1948 Universal Declaration of Human Rights.

## **III. THE IMPACTS OF CLIMATE CHANGE ON HUMAN RIGHTS IN PALAU**

8. **Agriculture** in Palau consists primarily of taro, cassava, coconuts, and sweet potatoes. Taro is culturally and religiously important crop traditionally cultivated in coastal lowlands by women. It is particularly threatened by saltwater intrusion and wave overtopping. During the last El Niño-Southern Oscillation (ENSO) ENSO event, damages to taro crops were estimated at USD 0.74 million. On some islands, 100 percent of the taro crops were lost, and had not recovered five years later. Fires are a major hazard during ENSO events: in 1997-98, 20 percent of Palau's forests, savannah and agricultural lands were destroyed. Steep grasslands or *ked* were severely impacted by these fires, and the subsequent erosion harmed downstream mangrove forests, lagoons, and coral reefs. **Climate change threatens Palauan's rights to food, means of subsistence, and adequate standard of living, and the right to culture and traditional knowledge.**

9. **Fisheries** in the Pacific are predicted to be harmed by the effects of climate change, including sea temperature rise, increasing acidity and salinity, changing currents, and typhoon damage. Palauans favor fresh fish as a food product and rely heavily on subsistence fishing: nearly every household participates in coastal fishing, and annual per capita fish consumption is over 67 kilograms per year. Fish protein comprises 52 percent of animal protein in the average diet. As fish become harder to catch, citizens will have to reduce the amount of fish (and thus protein essential for good nutrition) in their diets, or turn to more expensive substitutes. Decline of coral communities will reduce the richness of fish species and will result in local extinctions and species loss within key functional groups of fish. Rising sea surface temperatures trigger corals to eject their symbiotic algae in response to stress, resulting in coral bleaching, mass mortality of reefs, and loss of storm protection to coastlines and mangroves. Palau's corals were in excellent condition prior to the 1997-98 ENSO, but one-third died at that time, with nearly 100% mortality of some coral species in some places. **Climate change threatens reef and pelagic fish, as well as mangroves and corals—both of which are key habitat for fish populations—threatening Palauans' right to food, right to a means of subsistence, right to an adequate standard of living, and right to a healthy environment.**

10. **Tourism**, one of Palau's most important industries, is threatened by climate changes that worsen droughts and tropical storms, erode beaches, damage coastal infrastructure, and bleach corals. Tourism is a major foreign exchange earner and employment provider. Business and tourist arrivals in 2007 numbered 85,000—more than four times the national population. Much of Palau's tourism is based on coral reefs; the 1997-8 ENSO caused over USD100 million in damage to Palau's corals, equal to 88 percent of that year's GDP. **As climate change threatens Palauan tourism, it undermines Palauans' rights to an adequate standard of living.**

11. Palau suffers from **severe water shortages** during ENSO events. In 1997-98 the country endured nine months with little to no rain. Reservoirs and streams were depleted, affecting the delivery of piped water. Climate models predict a decrease in rainfall in the near future due to an enhanced greenhouse effect. **Climate change threatens Palauans' rights to water, health, and sanitation.**

12. Trends in **extreme temperature** across the South Pacific from 1961 to 2003 show increases in the annual number of hot days and warm nights, particularly following ENSO events. Increased heat events around the world are linked to increased cardiovascular mortality, respiratory illnesses, malnutrition from crop failures, and altered transmission of infectious diseases. Palauans

are already suffering from increases in dengue fever and other diseases. **Climate change threatens Palauan citizens' rights to health and a healthy environment.**

13 High surface water temperatures intensify the destructive force of **tropical storms and typhoons**. These storms threaten the lives of Palauans during the rainy season from June to December each year. In 2001, Typhoon Utor caused several million dollars worth of damage. Rising sea levels raise the baseline for storm surges, increasing the risk of catastrophic loss of life and infrastructure onshore. **Climate change threatens rights of Palauan citizens to life, housing, property, and security of person.**

14. **Rising sea levels** pose a serious threat to the majority of Palauans. The IPCC predicts that sea levels will rise an additional 0.23 to 0.47 meters before the end of the century if global fossil fuel use is not significantly reduced. This will exacerbate inundation, storm surges, erosion and other coastal hazards, threatening vital infrastructure and facilities that support island communities. Entire atolls, including the state of Kayangel, will disappear if sea levels rise to one meter. Loss of lands due to sea level rise could force thousands of Palauan citizens to become climate migrants and to move to other countries. According to Palau's Permanent Representative to the United Nations, displacement to another country "might be the only option if climate change continues at the current or increased rate without significant and urgent mitigation by the international community." Such involuntary relocation would result in the loss of Palau's traditional cultural practices developed over thousands of years, including the indigenous language of Palau and matrilineal land inheritance. **Climate change threatens Palauans' rights to security of person, property, housing, culture, traditional knowledge, and self-determination.**

#### **IV. CONCLUSION AND RECOMMENDATIONS**

15. One of the most serious threats to the human rights of the people of Palau is the vulnerability of their environment to the impacts of climate change. The threats confronting Palau illustrate how the right to an ecologically healthy environment is fundamental to guaranteeing other rights, such as the rights to life, food, water, health, security, and a means of subsistence.

16. The primary responsibility for the protection of human rights for the citizens of Palau lies in the hands of the state. However, the causes and impacts of climate change on the human rights of Palauan citizens also lies with states that are major emitters of greenhouse gases. Palau is not a significant consumer of the fossil fuels that are the primary source of greenhouse gas emissions, and it is among those nations that emit the smallest amounts of greenhouse gases in the world. The Republic of Palau is actively involved in international climate protection negotiations, supports the Copenhagen Accord of 2009, and is working to implement adaptations to climate change. The international community – and particularly those nations historically and currently responsible for the greatest portion of greenhouse gas emissions – has a responsibility to prevent climate change from undermining the human rights of citizens of Palau and, where particular circumstances makes that not possible, to mitigate the harms and assist the victims.

17. Article 22 of the Universal Declaration of Human Rights underscores that protection of human rights requires "national effort and international co-operation." Every state has the obligation to do no harm either to its own citizens or to the citizens of another state. Earthjustice et al. therefore respectfully recommends that the Human Rights Council 1) recognize the responsibility of major greenhouse gas-emitting states for the human rights threats suffered by the

people of Palau, and 2) encourage the international community to take immediate action to decrease global greenhouse gas emissions and to assist the government of Palau in its efforts to mitigate and adapt to the effects of climate change.

Respectfully Submitted,

Earthjustice  
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**NOTE: A fully referenced, footnoted version of this submission is available at <http://www.earthjustice.org/humanrights>**